

CV18901604

104878431



FILED

IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

2018 AUG -2 A 10:57

MICHAEL OKO

)

CASE NO

675 East 160th Street

)

JUDGE.:

Cleveland, Ohio 44110

)

Complaint

PLAINTIFF

)

MICHAEL E JACKSON

CV 18 901604

-VS-

)

COMPLAINT IN REPLEVIN

CLEVELAND DIVISION OF POLICE

)

1300 Ontario Street

)

Cleveland, Ohio 44113

)

DEFENDANT)

A. COMPLAINT

1. This is a Complaint in Replevin for Unlawful taken and Possession of one's personal property to wit Automobile: a 2002 Honda Odyssey (VIN#2HKRL18591H515300) and 2003 Honda Accord (VIN#1HGCB7276PA026800) without lawful purpose and express consent of rightful owner.

B. JURISDICTION.

2. This court has inherent jurisdiction to adjudicate the subject matter.

C. PARTIES.

3. Plaintiff is a citizen and resident of Cleveland in Cuyahoga County, Ohio for more than Ten year. Defendant is Cleveland Division Police through its Agents in the Fifth District Police Department located at East 152 Street, Cleveland, Ohio and its Impound Unit of the City Of Cleveland police Department.

D. FACTS/CASE.

4. Michael Oko herein the "Plaintiff" is reside at 675 East 160th Street, Cleveland, Ohio 44110 with his personal properties to wit: 2002 Honda Odyssey Mini Van and 2003 Honda Accord, Sedan, parked on the Drive Way of the Plaintiff rented Property.
5. That Plaintiff was out of the Country to attend to family emergency in Sub-Sahara Africa for no less than thirty days and upon return home on June 22, 2018, (See attached exhibit Marked "A") and discovered that his two vehicles mention in Para four were not at his driveway, and began a search.
6. That upon information and belief, Plaintiff discovered that disgruntled neighbor has called the Police, alleging that the vehicles were stolen, abandoned and product of illegality.
7. That Defendant through its agent towed the vehicles under such mistaken assertions without any investigation. Plaintiff states that these vehicles were not stolen, abandon and not a product of any illegality and were not parked on the Public Street to be subjected to any citation or any notice of violations of city or county ordinance.
8. Plaintiff states that the tow and possession of the vehicles without express consent and authorization of the plaintiff is unconstitutional and deprivation of plaintiff's right to personal property.
9. Plaintiff states that Defendant did not serve upon Plaintiff Notice of violation of any ordinance prior to the Unlawful possession. Defendant's action in the unlawful taken of plaintiff's property is not supported by Notice of any wrong doing committed by the plaintiff.
10. Plaintiff is the bona fide title owner of the property as stated in the foregoing. See attached herein as (Exhibit "B" and "C"). Defendant has denied Plaintiff's repeated request to return the vehicles to the Plaintiff.

FIRST CAUSE OF ACTION.

CLAIM ONE

11. Plaintiff states that the action of the Defendant as stated in paragraphs 6, 7, 8 and 9 constitutes an unlawful possession in violation of the Plaintiff's constitutional rights to ownership and protection against deprivation of ownership under the United states Constitution and the constitution of the State of Ohio, where:

- a. The property unlawfully taken is not subject to any violation of law or notice to owner that the vehicle is a subject of investigation.
- b. The property taken is not authorized by a court through a warrant or judicial authority.
- c. The property was taken from the private property of the Plaintiff.
- d. The property is not abandoned and does not have on them notice of violation of city ordinance to wit parking tickets.

SECOND CAUSE OF ACTION:

CLAIM TWO

12. That the action of the defendant as stated in Para 6 through 11 deprived plaintiff the right to access and enjoyment of his property and the protection against unwarranted economic hardship where:

- Plaintiff has no means of comfortable transportation for his family.
- Plaintiff was forced to depend upon public transportation and other alternative.
- Plaintiff was prevented access and daily use of personal belongings left in the vehicles.

THIRD CAUSE OF ACTION

CLAIM THREE

13. The action of the defendant in this case as stated in Para 6 through 12 constitutes malicious intent and a willful abuse of law enforcement function where:

- a. A disgruntle neighbor uses the services of law enforcement to settle a personal vendetta by utilizing his influence through friends in the law enforcement.
- b. The act is ill motivated and not consistent with an objective law enforcement practices

14. Plaintiff states that the action of the defendant as stated in Para 6 through 13 caused pains and injury upon the Plaintiff, including, but not limited to unwarranted

economic hardship, emotional and mental, physical pains associated unwarranted stress,

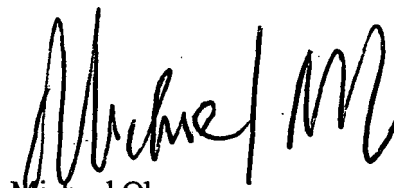
Wherefore, Plaintiff prays for Entry of Judgment against the Defendant and grants Plaintiff an order to return to plaintiff the two vehicles and all items contain therein

MONITARY COMPENSATION: An award of monetary compensation against the defendant favor of Plaintiff in the sum of Twenty Five Thousand Dollars, \$25,000.00 on each claim.

Grant an Order prohibiting the defendant and its agent from Unlawful retaliation against the plaintiff in the exercise of his constitutional right to file this action.

Grant any other order this court deem fit to make in the interest of Justice

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Michael Oko', with a long, sweeping flourish extending upwards and to the right.

Michael Oko

675 East 160th Street

Cleveland, Ohio 44110

Plaintiff Pro se.

EXHIBIT A



ETKT PASSENGER ITINERARY

PAGE 01 OF 03

OKO/MICHAEL

NOT TRANSFERABLE

DAY/DATE	FLIGHT	STATUS	CARRIER/VENDOR	CITY	DATE/PLACE OF ISSUE	TIME	SEAT	CLASS	MEAL	REMARK
THU 21JUN18	149	OK	AIR FRANCE	LV LAGOS	1100P					
FRI 22JUN18				AR PARIS-DEGAULLE	620A			FREE BAGS	2PC	
FRI 22JUN18	405	OK	DELTA AIR LINES INC	LV PARIS-DEGAULLE	1020A			MAIN	LUNCH	
				AR NYC-KENNEDY	1246P					
FRI 22JUN18	5274	OK	DELTA AIR LINES INC	LV NYC-KENNEDY	333P			MAIN	BEVERAGE	
				AR CLEVELAND	550P					

OPERATED BY ENDEAVOR DBA DELTA CN
A DELTA CONNECTION CARRIER

CONTINUED

DUPLICATE

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DUPLICATE



BMV 3800 Rev. 3/08



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Michael OKO

Plaintiff

Vs. Cleveland Division of Police

Defendant

Judge: MICHAEL E JACKSON

CV 18 901604

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) in ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
☐ 1314 Consumer Action
☐ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☒ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
☐ Less than \$25,000
☐ Prayer Amount _____

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Firm Name (Print or type)

Address

Address

Phone

Attorney of Record (Print or Type)

Supreme Court #

Email Address

Signature

Michael OKO
675 E 160th St.

Cleveland, OH 44110

216-801-2042

Plaintiff Prase.

FILED
2018 AUG - 2 AM
CLERK OF COURTS
CUYAHOGA COUNTY
OHIO